

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CRYOVAC, INC.,	)	
Plaintiff/Counter-Defendant	)	
	)	
v.	)	
	)	Civil Action No. 04-1278-KAJ
PECHINEY PLASTIC PACKAGING, INC.	)	
	)	
Defendant/Counter-Plaintiff.	)	

**VOIR DIRE**

Good morning, ladies and gentlemen. My name is Kent Jordan, and I will be presiding over the trial for which a jury is about to be drawn in this case. The parties are Cryovac, Inc. and Pechiney Plastic Packaging, Inc. Briefly stated, this case is about allegations of patent infringement and tortious interference with contracts.

This trial is expected to last two weeks; that is ten business days. I time my trials, so the attorneys will have to complete their trial presentations within those limits. While it appears unlikely at this point, jury deliberations may require you to be present longer than that number of days.

I am going to ask you a series of “yes or no” questions, the purpose of which is to enable the court to determine whether or not any prospective juror should be excused for cause, and to enable counsel for the parties to exercise their judgment in helping to determine the final composition of the jury. If any of you have a “yes” answer to any of my questions, please keep track of that in your own mind. When I have concluded asking all the questions, I will ask all those who had a “yes” answer to any of my questions to raise their hands. Then, anyone who did have a “yes” answer I’ll ask to come forward, so I can talk with you about that.

**ADMINISTER THE OATH TO THE PANEL**

1. As I mentioned, this case is expected to take ten business days to try. Is there any member of the panel who would be unable to sit as a juror in the case for that period of time?

2. Have you heard or read or otherwise know anything about this case?

3. Plaintiff is represented by the law firms of YOUNG CONAWAY STARGATT & TAYLOR, LLP and FINNEGAN HENDERSON FARABOW GARRETT & DUNNER, LLP.

The attorneys from those firms that you may see during the course of the trial include, from Young Conaway, John W. Shaw, Elena C. Norman, and Michele Sherretta, and, from Finnegan Henderson, Ford F. Farabow, Joann M. Neth, Martin I. Fuchs, Rebecca D. Hess, Courtney B. Meeker, and Mark J. Feldstein. Do you know, or are you a client of any of those lawyers or their law firms?

4. Defendant is represented by the law firms of CONNOLLY BOVE LODGE & HUTZ LLP and JENNER & BLOCK LLP. The attorneys from those firms that you may see during the course of the trial include, from Connolly Bove, N. Richard Powers and Rudolf E. Hutz, and, from Jenner & Block, Donald R. Cassling, Steven R. Trybus, Shelley Smith, Patrick L. Patras, Gregory D. Bonifield, Brian P. O'Donnell, Joseph A. Schouten, and Sara E. Tonnies.

Do you know, or are you a client of any of those lawyers or their law firms?

5. Is any member of the panel related to or personally acquainted with any officer, director, or employee of Cryovac, Sealed Air Corp., Pechiney Plastic Packaging, Alcan Packaging, or American National Can?

6. Are you or any of your family members a present or former employee of Cryovac, Sealed Air Corp., Pechiney Plastic Packaging, Alcan Packaging, or American National Can?

7. You have been given a list of witnesses that may be called in this case. Do you know any of the witnesses on that list?

8. Do you or any of your immediate family members have any specialized training or work experience in the fields of meat packaging or plastic packaging?

9. Other than the ordinary experience of buying meat in a grocery store, do you have any knowledge about, or any familiarity with the fields of meat packaging or plastic packaging?

10. Do you have any strong feelings or beliefs about patent lawsuits or contract lawsuits or about the award of money damages in lawsuits? Likewise, do you have any strong feelings or beliefs about the consumption of meat, the meat production or packaging industries, or the fresh red meat supply?

11. If so, are your feelings or beliefs such that you would be unable to render a fair and impartial verdict based solely upon the evidence presented here in court and under the law as presented to you?

12. Have you ever been a party in a lawsuit?

13. Have you, any member of your family, or any close personal friend ever been involved in a dispute about a contract, patent, or other intellectual property (such as a copyright, trademark, or trade secret)?

14. Have you ever thought of an idea that later someone else made a lot of money from?

15. Have you ever felt taken advantage of in a business deal or financial transaction?
16. Do you have any experience in working with patents?
17. Have you, any member of your family, or any close personal friend ever applied for a patent, copyright, or trademark?
18. Do you have any experience in negotiating contracts for a business?
19. If you were selected to serve, would you have difficulty treating a party that is a foreign company the same way you would treat an American company?
20. Do you know of any other matter which you believe should be called to the court's attention as having some bearing upon your qualifications or ability to sit as a juror, or which you think may prevent you from rendering a fair and impartial verdict based solely upon the evidence and my instructions as to the law?

**Cryovac Witnesses:**

Expert witnesses:

Dr. Garth L. Wilkes

James J. Nawrocki

Robert J. Kimmel

Fact witnesses:

Kelly Ahlgren

Duane Buelow

Richard Company

Karl Deily

Michael Douglas

Rev. Ennis Fant

Steven L. Fuller

Steve Garland

Tom Grabowski

Steve James

Tommy Kay

Frank Kitchell

James Mize

Chad Mueller

Mark Quatt

Gautam P. Shah

David Stringer

Robert Taylor

Terry Wilkerson

George Wofford

Anthony York

**Pechiney Witnesses:**

Expert witnesses:

Larry Evans

Dr. Eldridge Mount

Fact witnesses:

Kelly Ahlgren

Luis Bogran

Duane Buelow

Richard Company

Karl Deily

Stratos Dimas

Michael Douglas

Margaret Duncan

Ennis M. Fant

Stephen L. Fuller

Jeffrey Gardner

Steven B. Garland

Jennifer Ghate

Seymour Gilbert

Ilene Gordon

Tom Grabowski

Earl Hatley

Mike Hoover

Steven James

Roger Kaas

Tommy Kay

Robert Kimmel

Frank Kitchel

James Mize

Chad Mueller

Stuart Prosser

Mark Quatt

Stephen Scherrer

Gautam Shah

Jonathan Spadt

F. David Stringer

Robert Taylor

Terry Wilkerson

Garth L. Wilkes

Jay Wilson

George Wofford

Anthony York